

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY

UNITED STATES OF AMERICA

v.

NO. 5:11-00090-20

SHAWN ANDERSON

**SENTENCING MEMORANDUM OF THE UNITED STATES**

Pursuant to this Court's order entered on June 1, 2011, the United States offers this Sentencing Memorandum outlining its position regarding the presentence report.

**I. ADVISORY GUIDELINES**

The parties appear to be in agreement regarding the advisory guideline range. That is, the parties agree that defendant's total offense level is 18, that he is a criminal history I, and that his advisory guideline range is 27-33 months.

**II. 18 U.S.C. § 3553(a) FACTORS**

The position of the United States is that a guideline sentence is reasonable. The factors in Title 18, United States Code, Section 3553(a) support a guideline sentence.

**A. 18 U.S.C. § 3553(a)(1):** This is a drug case involving marijuana.

**B. 18 U.S.C. § 3553(a)(2)(A through D):** The United States argues that a Guideline sentence in this case will reflect the seriousness of the offense, provide adequate deterrence, protect the public from further crime by defendant, and avail defendant of drug treatment and counseling offered by the Bureau of Prisons.

**C. 18 U.S.C. § 3553(a)(3):** Defendant faces a statutory sentence of up to 5 years. A guideline sentence (27-33 months) is reasonable and meets the statutory sentencing requirements.

**D. 18 U.S.C. § 3553(a)(4)(A through B):** The United States again argues a Guideline sentence is reasonable in this case.

**E. 18 U.S.C. § 3553(a)(5):** The United States argues that a Guideline sentence necessarily complies with the applicable guideline policy statements.

**F. 18 U.S.C. § 3553(a)(6):** The United States argues that a Guideline sentence will avoid sentencing disparities with similarly situated defendants.

**G. 18 U.S.C. § 3553(a)(7):** Not applicable.

**III. CONCLUSION**

WHEREFORE, for the above-cited reasons, the United States argues that the Court should impose a guideline sentence. The United States does not intend to call witnesses at defendant's sentencing hearing and anticipates that the hearing will last approximately 30 minutes.

Respectfully submitted,

R. BOOTH GOODWIN II  
United States Attorney

By: s/ Miller Bushong, AUSA  
MILLER BUSHONG Bar Number: 5802  
Assistant United States Attorney  
110 North Heber Street  
Beckley, WV 25801  
Telephone: (304) 253-6722  
Fax: (304) 253-9206  
E-mail: [miller.bushong@usdoj.gov](mailto:miller.bushong@usdoj.gov)

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2011, I electronically filed the foregoing "Sentencing Memorandum of the United States" with the Clerk of the Court using the CM/ECF system and service was made via CM/ECF on the following:

Kevin D. Mills, Esquire  
1800 West King Street  
Martinsburg, WV 25401

s/ Miller Bushong, AUSA  
MILLER BUSHONG Bar Number: 5802  
Assistant United States Attorney  
110 North Heber Street  
Beckley, WV 25801  
Telephone: (304) 253-6722  
Fax: (304) 253-9206  
E-mail: miller.bushong@usdoj.gov